

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
EPA REGION 10, SEATTLE, WASHINGTON
1200 SIXTH AVENUE, SUITE 1200

FILE COPY

IN THE MATTER:

Van Waters and Rogers, Inc.
ORD009227398

Respondent

Proceedings under §3008(h) of the
Resource Conservation and Recovery
Act, 42 U.S.C. §6928(h).

RCRA Docket No.

ORDER ON CONSENT TO
PERFORM A FACILITY INVESTIGATION
AND CORRECTIVE MEASURES STUDY

A. PRELIMINARY STATEMENT

1. This ORDER ON CONSENT TO PERFORM A FACILITY INVESTIGATION AND CORRECTIVE MEASURES STUDY (hereinafter "Consent Order") is issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency (hereinafter "EPA") by Section 3008(h) of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. §6928(h), and delegated to the Regional Administrators by EPA Delegation Nos. 8-9-C dated April 13, 1985. and 8-31 and 8-32 dated April 16, 1985.

2. In entering into this Consent Order, the mutual objective of EPA and VWR is to perform a RCRA Facility Investigation and Corrective Measures Study. Upon completion of the Corrective Measures Study, VWR agrees to undertake corrective action, as necessary at the facility.

3. Van Waters and Rogers, Inc. (hereinafter "VWR") agrees to undertake all actions required by the terms and conditions of this Consent Order, consents to and agrees not to contest the EPA jurisdiction to issue this Consent Order, and waives its right to request a public hearing in accordance with Section 3008(b) of RCRA, 42 U.S.C, §6928(b).

4. VWR agrees to perform any initial corrective action measure work determined necessary by EPA in the course of implementing the terms of this Consent Order and undertake all actions it is required to accomplish by the terms of this Consent Order.

B. APPLICABILITY

5. This Consent Order shall apply to and be binding upon VWR and its officers, directors, employees, agents, successors and assigns, and upon all persons, independent contractors, and consultants acting under or for VWR. No change in ownership or corporate status relating to the facility shall in any way alter the responsibility of VWR under this Consent Order. VWR shall provide notice of this Consent Order to any successor in interest prior to any transfer of ownership or operation.

6. VWR will be responsible for the conduct of the work under the terms of this Consent Order and shall provide a copy of this Consent Order to all contractors, subcontractors, laboratories, and consultants retained to conduct or monitor any portion of the work performed pursuant to this Consent Order within one (1) week of the effective date of this Consent Order or date of such retention.

C. FINDINGS OF FACT

7. On or about September 18, 1980, Respondent submitted to EPA a "Notification of Hazardous Waste Activity" (EPA Form 8700-12) for its Portland, Oregon facility located at 3950 NW Yeon Avenue (hereinafter called "the facility") pursuant to RCRA §3010(a), 42 U.S.C. §6930(a) and thereby received EPA identification number ORD 009227398. That notification identified Respondent as the owner and operator of the facility. On or about July 13, 1981, Respondent further submitted Part A of its permit application to EPA identifying Respondent's operation of the facility for the storage, treatment and/or disposal of hazardous wastes.

8. On or about June 4, 1981 Respondent was issued a Hazardous Waste Treatment-Collection Site License (HWTF-5) by the Oregon Department of Environmental Quality for the following hazardous waste treatment and collection activities: (1) TREATMENT: perchloroethylene; methylene chloride; and 1,1,1 trichloroethane; and (2) COLLECTION SITE: toxic hazardous waste; corrosive hazardous waste; and ignitable hazardous waste.

9. Spills have been identified at the facility both by Respondent and by DEQ. In Respondent's letter dated April 17, 1986 to DEQ, Respondent confirmed at least three (3) spills at the facility. One of the spills occurred on or about September 8, 1983 and involved the spill of approximately 515 gallons of trichloroethylene (TCE).

10. Based on a preliminary hydrogeological review of the area, over ten (10) groundwater wells are located within approximately one (1) mile of the facility and at least one (1) of these wells supply water for the washing of food products and three (3) serve as domestic water wells. Figure I depicts the VWR facility in relationship to its surroundings.

11. On or about September 28, 1987 and pursuant to an administrative order issued by EPA pursuant to Section 3013 of RCRA, 42 U.S.C. §6934, VWR submitted to EPA the results of its Phase I investigation. The primary goal of this multi-phase monitoring, analysis and testing investigation primary goal is the determination of the nature and extent of possible soil and ground water contamination at the facility. Surface soil samples, soil boring samples and ground water samples were collected during the investigation and three (3) monitoring wells installed. Data from that investigation identifies the following:

- a. Ground water monitoring results reported in ug/l concentration at locations depicted on Figure II, for selected parameters show the following:

SELECTED GROUND WATER SAMPLING RESULTS				
Location	PCE*	TCE**	TCA***	Toluene
AR-1	-	-	130	-
SW-1	4,400	13,000	8,800	
SW-2	50	180	140	
SW-3	8	3	-	
DB-1	30,000	580,000	37,000	10,000
DB-2	37,000	33,000	28,000	-
DB-4	6,900	7,000	12,000	

* perchloroethylene

** trichloroethylene

*** 1,1,1-trichloroethane

- c. Selected soil sampling results, reported in mg/kg concentration at locations depicted in Figure III, for selected parameters show the following:

SELECTED SOIL SAMPLING RESULTS

Location	PCE*	TCE**	TCA***
B99.8	9.9	5.5	6.5
C87	8.1	10	-
J112.8	470	140	150
1112.8	110	45	140
M113	2,900	1,300	1,600
G113.7	840	160	6.8
H28.3	240	71	33
H113.4	1,500	430	15

* perchloroethylene

** trichloroethylene

*** 1,1,1-trichloroethane

12. Trichloroethylene (TCE) and to a lesser degree 1,1,1-trichloroethane (TCA) have both been identified by EPA as posing a significant risk to public health. A Recommended Maximum Contaminant Level of zero is established for TCE and 200 ug/l is established for TCA. The maximum contaminant level proposed for the protection of public water supplies pursuant to the Safe Drinking Water Act 42 U.S.C. §300f et seq., is 5 ug/l for TCE and for TCA the proposed level is 200 ug/l. The levels observed in ground water samples far exceed the recommended levels.

13. TCE, TCA and perchloroethylene (PCE) are each listed as hazardous wastes and hazardous constituents by EPA under 40 CFR Part 261 due to their toxicity.

14. Hazardous wastes and constituents from the VWR facility may migrate from the facility or may cause undue exposure on the facility. Accordingly, the Regional Administrator of EPA Region 10 has concluded that the actions ordered below are necessary to protect human health and the environment.

D. CONCLUSIONS OF LAW AND DETERMINATIONS OF EPA

15. VWR is an operator of a "facility" within the meaning of Section 3008 of RCRA, 42 U.S.C. §6928, which has operated subject to Section 3005 of RCRA, 42 U.S.C. §6925.

16. VWR is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. §6903(15).

17. Certain wastes and constituents thereof present at the facility are hazardous wastes and constituents as defined by Section 1004(5) of RCRA, 42 U.S.C. §6903(5), and within the meaning of Section 3001 of RCRA, 42 U.S.C. §6921 and 40 C.F.R. Part 261.

18. There is or has been a release of hazardous wastes or hazardous constituents into the environment from the facility.

19. The actions and response measures required by this Consent Order are necessary to protect human health and the environment.

E. WORK TO BE PERFORMED

20. As necessary, VWR shall develop and submit to EPA for review and approval, a draft workplan for the implementation of interim measures, pursuant to Task I.3. below. Within 30 days of receipt of EPA's comments on the draft interim corrective measures workplan, VWR shall modify the workplan to fully address EPA's comments and submit the workplan to EPA for approval. VWR shall implement the EPA approved interim corrective measures workplan in accordance with the terms and schedules contained therein.

21. VWR shall perform a RCRA Facility Investigation (RFI) and Corrective Measure Study according to the goals outlined in Tasks I through XI below and

the schedule contained in Attachment I, which is attached hereto and fully incorporated herein.

a. RCRA FACILITY INVESTIGATION:

TASK I: Description of Current Conditions

1. Facility Background

Shall include surrounding land use, location of all downgradient drinking water and ground water wells, location of production wells within 1 mile of facility, property boundaries and facility structures, all known solid waste disposal locations on the property, names and addresses of adjacent property owners.

2. Nature and Extent of Contamination

Shall include evaluation of existing monitoring data, evaluation of potential migration pathways including information on geology, pedology, hydrogeology, geohydrology, physiography, water quality, meteorology and air quality and the potential impact on human health and the environment.

3. Implementation of Interim Measures

Based on the nature and extent of contamination and the potential health and environmental impacts known from a review of the information available, potential interim measures shall be evaluated which can measurably mitigate the release of hazardous waste or constituents or which can mitigate the impact on affected receptors. If the evaluation determines that the implementation of interim measures is

appropriate, a workplan shall be developed and submitted to EPA for review, modification and approval, as necessary.

TASK II: Pre Investigation Evaluation of Corrective Measure Technologies

An evaluation of available corrective action measure technologies shall be conducted and each process screened as to the pros and cons of its applicability in remedying the observed health and environmental impacts.

TASK III: RFI Workplan Requirements

1. Project Management Plan

Shall include a description of the personnel, consultants and laboratories (including their qualifications) which will be employed in performing the work and the proposed schedule and overall management plan for completion of the RFI,

2. Data Collection Quality Assurance Plan

Shall be prepared in accordance with the procedures outlined in "Test Methods for Evaluating Solid Waste" SW-846

3. Data Management Plan

Shall describe the procedures for documenting and tracking all data collected from field activities; chain of custody procedures which will be followed; and data display format to be used in presenting tables, figures, geological representations and conclusions.

4. Health and Safety Plan

Shall be consistent with the facility's contingency plan, OSHA regulations particularly in 29 CFR Parts 1910 and 1926, state and local regulations, and NIOSH Occupational Safety

and Health Guidance Manual for Hazardous Waste Site Activities (1985).

5. Community Relations Plan

The plan shall state the procedures which will be followed in disseminating information to the community concerning the progress of the RFI and identify the location of repositories which will be used to provide the public with an opportunity to review the results of the work as completed.

TASK IV: Facility Investigation

1. Environmental Setting

Shall include a hydrogeological characterization in accordance with the guidance provided in Chapter One of the "RCRA Ground-Water Monitoring Technical Enforcement Guidance Document", September 1986 (TEGD); a soils and earthen materials characterization including mineral and organic content, sorptive and cation exchange properties, depth to ground water, porosity, permeability, particle size distribution and other parameters pertinent to the conduct of the RFI; a surface water and sediment evaluation in light of drainage patterns in the vicinity of the facility, including water and sediment chemistry, water balance and other pertinent factors; an evaluation of the potential for air releases and the predicted effects based on topographic and manmade features and climatological data.

2. Source Characterization

Each source of release and potential release of hazardous waste or constituents shall be evaluated and the unit/disposal area characteristics, waste characteristics including physical and chemical properties, and migration and dispersal characteristics of the waste determined.

3. Contamination Characterization

Data shall be collected on groundwater, soils, surface water, sediment, subsurface gas, and ambient air contamination in the vicinity of the facility. The data collected shall be of sufficient quality to define the extent, origin, direction, and rate of movement of contaminant plumes. As applicable, previous data collection shall be factored into the design and location of monitoring locations. For ground water assessment, the plan for investigation shall be developed in accordance with Chapter Six of the above mentioned TEGD.

4. Potential Receptor Identification

An evaluation of the local uses and possible future uses of ground water, surface water and adjacent lands which have the potential of being adversely impacted from releases from the facility shall be performed. As appropriate, sampling and analysis of biological samples to assess the effects on ecosystems shall be performed.

TASK V: Investigation Analysis

1. Data Analysis

Evaluation and summary of all data collected shall be performed and used to assess the type and extent of contamination, above background levels, at and from the facility, including migration pathways.

2. Protection Standards

A risk assessment evaluation shall be performed on each hazardous constituent released from the facility with a potential to adversely impact health and/or the environment. In preparing this assessment, applicable EPA health and/or environmental protection guidelines shall be used. If a hazardous constituent level above background is proposed for ground water protection (i.e., an Alternate Concentration Limit), information necessary to support such a limit shall be developed pursuant to the criteria set forth in 40 CFR §264.94(b).

Task VI: Laboratory And Bench Scale Studies

As appropriate, laboratory and bench scale studies of viable corrective measures shall be performed to assess the effectiveness of various technologies to facility conditions. A plan describing the type(s) and goal(s) of the study(ies), the level of effort needed, and the procedures to be used for data management and interpretation shall be prepared prior to initiation of work.

Task VII: Reports

1. Preliminary and Workplan

A preliminary report shall be prepared and submitted in

accordance with the schedule given in Attachment I for Tasks I and II. A workplan shall be submitted to EPA in accordance with the goals of Task III, for completion of Tasks IV through VI, in accordance with the schedule given in Attachment I.

2. Draft and Final

A draft report shall be prepared on Tasks IV and V in accordance with the schedule contained in Attachment I. After EPA approval, which may require report modification, a final report of the RCRA Facility Investigation shall be prepared and submitted to EPA. The report on the completion of Task VI shall be submitted to EPA in accordance with the schedule contained in Attachment I.

3. Progress

A progress report shall be submitted to EPA by the 10th calendar day of every other month beginning on the effective date of this Consent Order. Each progress report shall contain as a minimum: a description and estimate of the work completed; summaries of all findings; summaries of all changes made to the workplan during the reporting period; summaries of all contacts with representatives of the local community, public interest groups or state government during the reporting period; summaries of all problems encountered

during the reporting period; actions taken to rectify problems; changes in personnel during the reporting period; projected work for the next reporting period; copies of all data collected during the reporting period.

(b) CORRECTIVE MEASURES STUDY:

Task VIII: Identification and Development of the Corrective Measure Alternative or Alternatives

Based on findings obtained in completing Task VI, Laboratory and Bench Scale Studies, develop and submit to EPA in accordance with the schedule in Attachment I, a workplan for any additional investigations or studies needed to complete the screening of corrective measures technologies and detailed evaluation of those technologies determined to be effective in mitigating the adverse effects of the release and potential release of hazardous wastes and constituents from the facility.

Task IX: Evaluation of the Corrective Measure Alternative or Alternatives

In accordance with the workplan developed pursuant to Task VIII above, assess the technical, environmental, human health, institutional and costs of implementing those technologies found viable for corrective action.

Task X: Justification and Recommendation of the Corrective Measure or Measures

Based on a comparison of the viable corrective measures one measure or group of measures shall be selected as the recommended corrective measure and a detailed technical,

environmental and human health assessment shall be performed to evaluate the consequences of implementing and completing the recommended corrective action.

Task XI: Reports

1. Draft and Final

A draft report shall be prepared on Tasks IX and X in accordance with the schedule contained in Attachment I. After EPA approval, which may require report modification, a final report will be prepared on each task and submitted to EPA.

2. Progress

A progress report shall be submitted to EPA by the 10th calendar day of every other month beginning on the effective date of this Consent Order. Each progress report shall contain as a minimum: a description and estimate of the work completed; summaries of all findings; summaries of all changes made to the workplan during the reporting period; summaries of all contacts with representatives of the local community, public interest groups or state government during the reporting period; summaries of all problems encountered during the reporting period; actions taken to rectify problems; changes in personnel during the reporting period; projected work for the next reporting period; copies of all data collected during the reporting period.

21. In reviewing reports and workplans submitted by VWR, EPA shall use its best efforts to complete each review expeditiously. EPA will then either request modification of the report or workplan or approve or reject the report or workplan, as applicable.

22. VWR shall fully incorporate all comments timely received from EPA, into each preliminary report, workplan and draft report and modify each document as appropriate to fully address each comment, within 30 days of receipt of EPA's comments are within such other time as approved by EPA based on a showing by VWR that additional time is necessary. Any failure of VWR to fully address EPA's comments shall be resolved through the Dispute Resolution Process described in Section P, below.

23. Upon VWR's submittal of the final report on corrective measure, pursuant to the terms of this Consent Order, EPA shall make available for public review: the corrective measures evaluation report; the RCRA facility investigation report; and the corrective measure report including EPA's justification for supporting the proposed corrective measure. A minimum of 30 days will be allowed by EPA for receipt of comments. This time may be extended and additional public participation may be sought by EPA if in EPA's opinion, public interest warrants such additional activity.

24. In negotiating with VWR the terms of the new administrative order on consent for the implementation of the corrective action, EPA shall incorporate all public comments received on the proposed corrective measure and include as a provision of the new consent order, the requirement on VWR to conduct such additional corrective measure investigatory activities as are deemed necessary by EPA prior to VWR's implementing the corrective action. If additional

corrective measure work by VWR results in the substantial modification of the proposed corrective action from that submitted by EPA for public review and comment, EPA will initiate a second public comment period. The agreement is not reached with VWR on the terms of the new administrative order on consent within 90 days of completion of the public comment period described in paragraph above, EPA reserves all rights it has to implement the corrective measure or other remedial response and to take any other appropriate actions under RCRA, CERCLA or any other available legal authority.

QUALITY ASSURANCE

25. Throughout all sample collections and analysis activities, VWR, and its contractors and subcontractors, shall use EPA-approved quality assurance, quality control, and chain of custody procedures, as identified in relevant EPA guidance documents (e.g., Test Methods for Evaluating Solid Wastes, SW-846, November 1986 Edition). VWR shall:

- a. Follow the EPA guidance for sampling and analysis contained in the document entitled "Test Methods for Evaluating Solid Wastes" (SW 846), November 1986 edition;
- b. Consult with EPA in planning for, and prior to, field sampling and laboratory analysis;
- c. Inform the EPA Project Coordinator in advance which laboratories will be used by VWR;
- d. Ensure that laboratories used by VWR for analyses perform such analyses according to the EPA methods contained in the November 1986 edition of SW-846;

- e. Ensure that laboratories used by VWR for analyses participate in a quality assurance/quality control program equivalent to that which is followed by EPA; and
- f. Use the EPA guidance to evaluate all data to be used in the study.

G. ACCESS

26. EPA and/or any EPA representatives, including EPA contractors, are authorized to enter and freely move about all property at the facility for the purposes of, inter alia: interviewing facility personnel and contractors; inspecting records, operating logs, and contracts related to the facility; reviewing the progress of VWR in carrying out the terms of this Consent Order; conducting such sampling and tests as EPA or its representative deem necessary; using a camera, sound recording, or other documentary type equipment; and verifying the reports and data submitted to EPA by VWR. VWR shall permit such persons to inspect and copy all records, files, photographs, documents, and other writings, including all sampling and monitoring data that pertain to actions undertaken pursuant to this Consent Order, subject to protection of confidential business information. In addition, EPA may conduct any activities authorized by Section 3007 of RCRA, 42 U.S.C. §6927.

27. To the extent that work required by this Consent Order must be done on property not owned or controlled by VWR, VWR shall obtain site access agreements from the present owner(s) of such property no later than two weeks prior to the scheduled commencement of work. EPA may assist VWR in obtaining such agreements. Site access shall include, at a minimum, access agreements to permit VWR and EPA and its authorized representatives access to such property. Any such access agreement shall be incorporated by reference into

this Consent Order. In the event that agreements for site access are not obtained within two weeks of the effective date of this Consent Order, VWR shall notify EPA regarding both the lack of and its efforts to obtain such agreements. In the event that EPA obtains access, VWR shall undertake EPA-approved work on such property. Nothing in this section limits or otherwise affects EPA's right of access and entry pursuant to any applicable law.

H. SAMPLING AND DATA/DOCUMENT AVAILABILITY

28. VWR shall make available to EPA all results of sampling, tests, or other data generated by or on VWR's behalf with respect to the implementation of this Consent Order. VWR shall submit these results in the progress reports described in Sections E.20(a) and (b) of this Consent Order.

29. VWR shall notify EPA at least five (5) work days before conducting any well drilling, installation of equipment, or sampling activity. At the request of EPA, VWR shall provide or allow EPA or its authorized representative to take split samples of all samples collected by VWR pursuant to this Consent Order.

30. All information and data shall be available to the public except to the extent that it is confidential business information. All issues regarding confidentiality shall be subject to the provisions of 40 C.F.R. Part 2. Analytical data shall not be claimed as confidential by VWR.

I. RECORD PRESERVATION

31. VWR agrees that it shall preserve, during the pendency of this Consent Order and for a minimum of three (3) years after its termination. all

records and documents in its possession or in the possession of its divisions, employees, agents, consultants or contractors which have been compiled pursuant to the terms of this Consent Order. Prior to the conclusion of this three (3) year period VWR shall furnish a copy of these records to EPA for inspection and/or retention.

VWR further agrees that it will make as a requirement on any contractor, agent or consultant that it retains to carry out any terms of this Consent Order, that all records and documents within their respective possession which relate in any way to this Consent Order either be submitted to VWR or maintained within their respective possession for a minimum of three years after the termination of this Consent Order. All documents so received by VWR shall be preserved by VWR for a minimum of three (3) years from date of receipt or furnished to EPA for inspection and/or retention.

J. PROJECT COORDINATOR

32. On or before the effective date of this Consent Order, EPA and VWR shall each designate a Project Coordinator, and VWR shall also designate a Field Coordinator who shall be responsible for overseeing the field implementation of this Consent Order. The EPA Project Coordinator will be EPA's designated representatives as appropriate. To the maximum extent possible, all communications between VWR and EPA, and all documents, reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Consent Order, shall be directed through the Project Coordinators.

33. The parties agree to provide at least ten (10) days written notice prior to changing Project Coordinators.

34. The absence of an EPA representative at the facility shall not be cause for the stoppage of work.

K. ADDRESSES

35. Unless otherwise specified, all reports, notices, or other submissions required by the terms of this Consent Order, shall be in writing and sent to:

Kenneth D. Feigner (HW-112)
U.S. Environmental Protection Agency
Waste Management Branch
1200 Sixth Avenue
Seattle, Washington 98101

36. VWR shall, within 15 days of the effective date of this Consent Order, designate to EPA the address(es) where it shall receive correspondence from EPA pursuant to the terms of this Consent Order. VWR shall provide a copy of all documents, reports and correspondence it submits to EPA, to the Oregon Department of Environmental Quality at the following address:

Jan Whitworth, Manager
Hazardous and Solid Waste Division
Department of Environmental Quality
Executive Building - 811 SW 6th Avenue
Portland, Oregon 97204

L. RESERVATION OF RIGHTS

37. EPA expressly reserves all rights and defenses that it may have, including the right both to disapprove of work performed by VWR and request that VWR perform tasks in addition to those stated in this Consent Order.

38. EPA reserves the right to take any enforcement action pursuant to RCRA or any other available legal authority, including without limitation, the right to seek injunctive relief to compel compliance with this Consent Order, and for monetary penalties.

39. If VWR fails to comply with this Consent Order, EPA reserves the right to perform any portion of the work consented to herein, or any additional investigations, studies, or corrective actions as it deems necessary to protect public health or the environment. EPA reserves its right to seek reimbursement from VWR for such additional costs incurred by the United States. Notwithstanding compliance with the terms of this Consent Order, VWR is not released from liability, if any, for the costs of any response actions taken by EPA. Compliance by VWR with the terms of this Consent Order shall not relieve VWR of its continuing obligation to comply with all applicable local, state, or federal law.

M. OTHER CLAIMS AND PARTIES

40. Nothing in this Consent Order shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership, or corporation not a signatory to this Consent Order for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants, found at, taken to, or taken from the facility.

N. OTHER APPLICABLE LAWS

41. All actions required to be taken pursuant to this Consent Order shall be undertaken in accordance with the substantive requirements of all applicable local, state, and federal laws and regulations.

O. INDEMNIFICATION OF THE UNITED STATES GOVERNMENT

42. VWR agrees to indemnify and save and hold harmless the United States Government, its agencies, departments, agents, and employees, from any and all claims or causes of action arising from or on account of acts or omissions of VWR or its agents, independent contractors, receivers, trustees, and assigns in carrying out activities required by this Consent Order. This indemnification shall not be construed in any way as affecting or limiting the rights or obligations of VWR or the United States under their various contracts.

P. DISPUTE RESOLUTION

43. If VWR disagrees, in whole or in part, with any EPA disapproval or other decision or directive made by EPA pursuant to this Consent Order, VWR shall notify EPA in writing of its objections and the bases therefore within 15 days calendar days of receipt of EPA's disapproval, decision, or directive. EPA and VWR shall then have an additional 30 days from EPA's receipt of the objections to attempt to resolve the dispute. If agreement is reached, the resolution shall be reduced to writing, signed by representatives of each party and incorporated into and enforceable under, this Consent Order.

44. If the parties are unable to reach agreement within this 30 day period, EPA shall provide a written statement of its decision to VWR, which shall be incorporated into and enforceable under, this Consent Order.

Q. EFFECTIVE DATE AND SUBSEQUENT MODIFICATION

45. The effective date of this Consent Order shall be five (5) calendar days from the date it is signed by EPA.

46. This Consent Order may be amended by mutual agreement of EPA and VWR. Any such amendment shall be in writing, shall have as the effective date that date on which it is signed by EPA, and shall be incorporated into this Consent Order.

47. Any reports, plans, specifications, schedules, and attachments required by this Consent Order are, upon approval of EPA, enforceable under the terms of this Consent Order. Any noncompliance with such EPA-approved reports, plans, specifications, schedules, and attachments shall be considered a failure to achieve the requirements of this Consent Order and will subject VWR to the penalty provisions of §3008 of RCRA, 42 U.S.C. §6928, and to any other sanctions available to EPA.

48. No informal advice, guidance, suggestions, or comments by EPA regarding reports, plans, specifications, or schedules shall be construed as relieving VWR of their obligation to obtain formal approval if and when required by this Consent Order.

49. This Consent Order shall terminate upon VWR's submittal of the final report on corrective measure pursuant to Task X or one (1) year thereafter if an interim corrective measure is implemented pursuant to the terms of this Consent Order.

R. SIGNATORIES

50. Each undersigned representative of a signatory to this Consent Order certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Order.

IT IS SO AGREED.

By: _____

Date

By: _____

ROBIE G. RUSSELL
Regional Administrator

Date

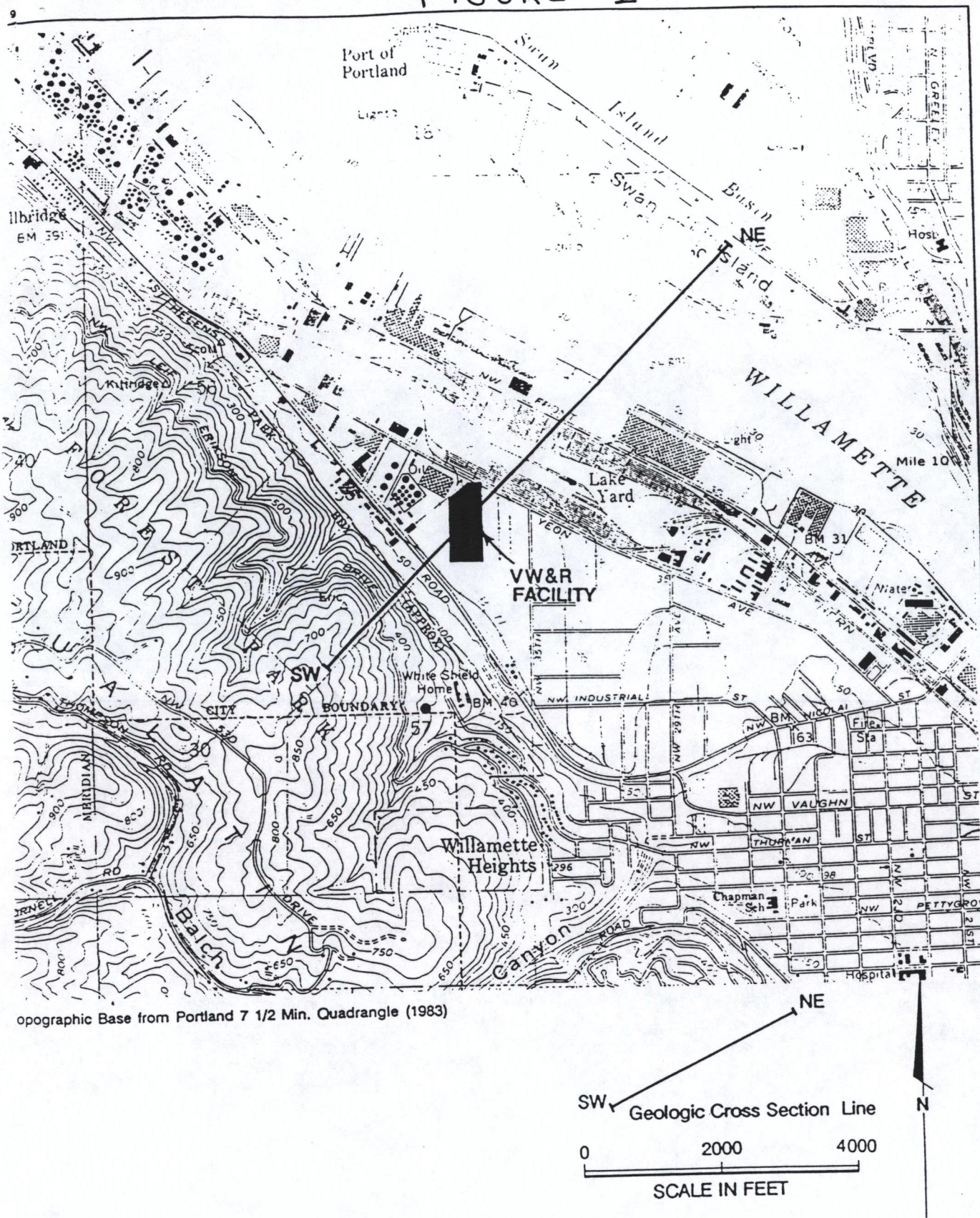
[NOTE! If DEQ decides to become a party to this Consent Order, their signature block would appear here and other appropriate changes would be made to the terms of this Consent Order.]

ATTACHMENT I

SCHEDULE FOR COMPLETION OF RCRA FACILITY INVESTIGATION AND CORRECTIVE MEASURE STUDY

<u>FACILITY SUBMISSION</u>	<u>DUE DATE</u>
TASK I: Preliminary report on Current Situation and Workplan for interim corrective measures, if necessary	60 days after effective date
TASK II: Preliminary report on Pre-investigation of ...	120 days after effective date
TASK III: RFI Workplan	120 days after effective date
TASK IV/V: Draft RFI Report	180 days after EPA approval of Task III workplan
TASK IV/V: Final RFI Report	60 days after receipt of EPA's comments on draft RFI report
TASK VI: Preliminary report on laboratory & bench-scale studies	60 days after submittal of final RFI report
TASK VIII: Workplan for Corrective Action	90 days after submittal of final RFI report
TASK IX: Draft report on Corrective Measures evaluation	90 days after EPA approval of Task VIII workplan
TASK IX: Final report on Corrective Measures evaluation	30 days after receipt of EPA's comments on draft Task IX report
TASK X: Draft report on Corrective Measure	90 days after EPA approval of Task IX final report
TASK X: Final report on Corrective Measure	30 days after receipt of EPA's comments on draft Task X report

FIGURE I



Harding Lawson Associates
Engineers and Geoscientists

Site Location
Van Waters and Rogers
Portland, Oregon

PLATE

1

IAWN

JOB NUMBER

9695,018.02

APPROVED

[Signature]

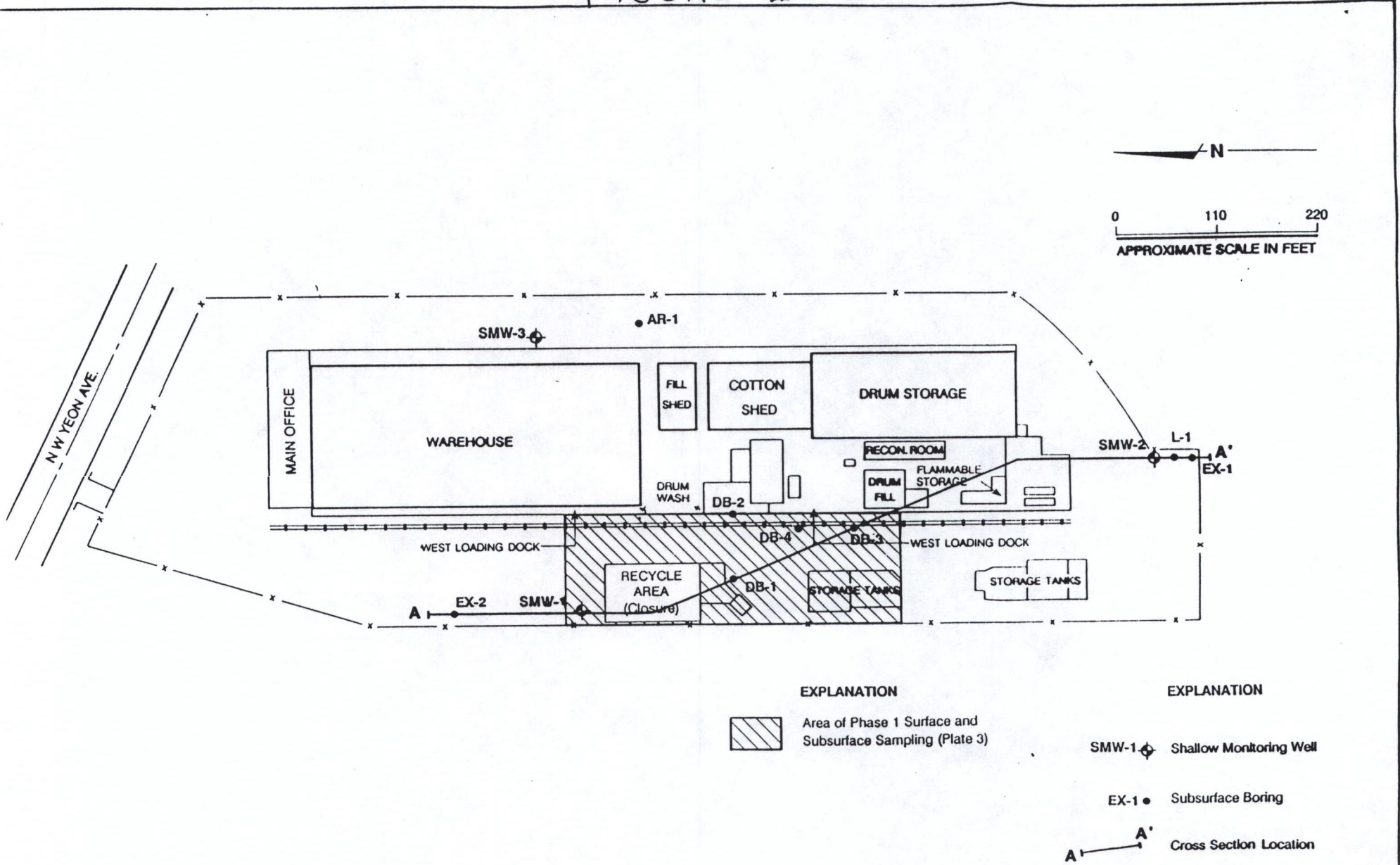
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9/87

REVISED

DATE

FIGURE II



EXPLANATION

Area of Phase 1 Surface and Subsurface Sampling (Plate 3)

EXPLANATION

SMW-1 Shallow Monitoring Well

EX-1 Subsurface Boring

A-A' Cross Section Location



Harding Lawson Associates
Engineers, Geologists
& Geophysicists

Location of Subsurface Borings
and Monitoring Wells
Van Waters and Rogers
Portland, Oregon

4

DATE

9695,018.02

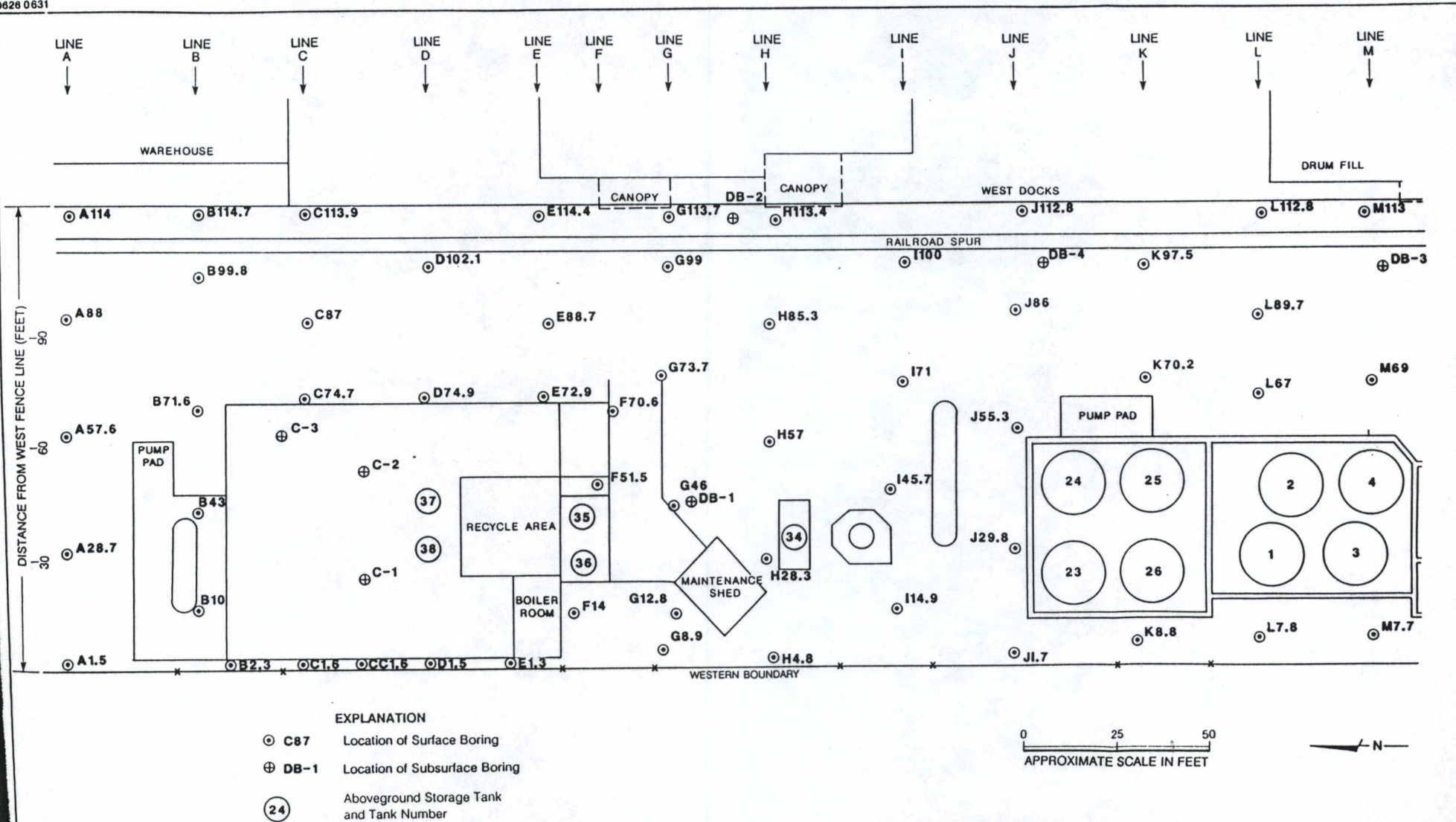
9/87

REVISION

DATE

FIGURE III

0626 0631



HLA Harding Lawson Associates
Engineers Geologists
& Geophysicists

Locations of Surface Borings
Van Waters and Rogers
Portland, Oregon

DRAWN
AM

JOB NUMBER
9695,018.02

APPROVED
[Signature]

(DATE)
9/87

REVISED

DATE

PL A11

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November 13, 1987

Mr. Wayne Pierre
EPA Region X
1200 Sixth Ave.
Seattle, Wa. 98101

RE: Van Waters & Rogers
ORD009227398

Dear Wayne:

The Department received a copy of the Van Waters & Rogers (VWR) Draft 3008h Consent Order dated November 2, 1987. The Department's comments are as follows:

1. On page 3, number 8, it states "On or about June 4, 1981, Respondent was issued a Hazardous Waste Treatment-Collection Site License (HWTF-5) by the Oregon Department of Environmental Quality". The actual date of issuance was June 24, 1981.

2. On page 3, number 8, it lists the chemicals that VWR was licensed to treat. Trichloroethylene was not included and it should have been. VWR was licensed to treat four chemicals: perchloroethylene; methylene chloride; 1,1,1 trichloroethane; and trichloroethylene.

3. The Department does not want to be party to the Consent Order according to Jan Whitworth.

4. The Order should included steps to change VWR's management practices so further contamination does not occur. These steps could includes:

- a. To seal off the inverted sump that is used to collect runoff or spills from the drum storage pad.
- b. Report spills to the Department. It is obvious from the data that there was spill/leak/disposal of perchloroethylene that was not reported.
- c. Take steps to prevent further leaks and spills from the railroad cars falling on the soil
- d. Perform periodical inspecting and testing on the tanks, railroad cars, and other areas to ensure that they are not leaking or spilling.

- e. Train the employees methods to minimize spills.
- f. Perform other actions that would improve chemical management practices.

5. The following comments refer to section E. Work to be performed. In general, the comments address two problems: a long time schedule for implementation (about 2 years excluding agency approval times), and the need for specific requirements in general tasks.

The requirements for evaluating the nature and extent of contamination under Task 1 are vague, and should specify what information and what type of evaluation are required.

Task II could be eliminated as it seems redundant with Task VIII, and just adds more time into an already long schedule.

Task III, items 2 and 3: The order should require a sampling and analysis plan for ground water, prepared in accordance the TEGD, and other specific items such as plans for establishing background, or other clean up standards.

Item 4: The facility's contingency plan does not meet RCRA requirements and does not adequately address health and safety.

Item 5: Is a community relations plan necessary at this site?

Task IV, item 1: If this information is required in the RFI report, the workplan required by Task III should propose methods for collection and analysis of each piece of information required by this task. Likewise, item 2 should list the units for which an evaluation is required, and specify what and how migration and dispersal characteristics are to be determined and evaluated.

Item 3: The data to be collected should be specified, e.g., hydraulic conductivity of the aquifer as determined by aquifer performance tests to determine the rate of movement. Also, it's not clear whether the workplan included the ground-water assessment plan, or whether the ground-water assessment plan is to be submitted here with the results of the RFI, or whether additional assessment plans are to be submitted with the RFI. Ideally, the plan for ground-water assessment should have been done in the workplan, and the results reported with Task IV/V.

Item 4: No criteria for deciding when sampling and analysis of biological samples is included. It's not clear when such sampling would or should be done.

Task V: If the facility plans to clean to background, a risk assessment may not be necessary.

Task VII, item 3: The order should specify the time period during which progress reports are required.

Task VIII, IX, and X. To simplify and save time, these tasks could be combined in one requirement to evaluate and propose corrective action and a plan to monitor the effectiveness of the corrective action. The plan should be required to contain measures to modify the corrective action program as necessary to achieve the clean up goals.

Task XI, item 2: This requirement was already stated under Task VIII. The numbering on p. 15 does not follow from page 14. On p. 16, item 24, an "if" should be added to the beginning of the last sentence, and the paragraph mentioned should be indicated.

Attachment I: For Task III, 90 days may be long enough to submit a workplan.

Sandra Anderson and I prepared these comments, so if you have any questions, you may call Sandra at 229-6242 or myself at 229-5096.

Sincerely,

Laura Hamilton
Hazardous Waste Specialist

cc: Sandra Anderson, DEQ
Janet Gillaspie, DEQ - NWR